

1895-080 Chancery Causes: James Shelton
Lee Co.

vs. M. R. Ball &c

Goslyn

CA - Debt
T - Property

To the Hon W m. T. Miller, Judge of the Circuit Court
For Lee County .

Humbly Complaining your orator, James Shelton, would respectfully represent and show unto your honor:-

That he is a mechanic, a contractor for plastering and buliding chimneys, and that as such mechanic he was employed to build a certain chimney and ^lfue by one M. R. Ball, on the said Ball's premises and about his buildings in the town of Jonesvill, at the price of \$19.00, that the said work was completed and the money became due on the 2nd day of August, 1890, that before the expiration of thirty days from the tim~~e~~ the said work was finished your ortator filed in the Clerks office of the county court of the county wherein the said property is situated his lien, according as the law of Virginia directs, a copy of which said lien is here filed with this bill, ~~marked~~ "A" and prayed to be considered with this bill of complaint. Your orator further alleges that n one of the said sum of money has been paid, and that all of the said debt is yet due and oweing to your orator. It is the understanding of your orator, and the records of the County court of Lee County show that the said M. R. Ball is the fee simple owner of the said lot *a copy of which is exhibited here marked "B"* of land as described in the said exhibit "A", ~~but~~ that there is, as the record shows, a prior vendors lien in favor of H. C Joslyn for a-bout the sum of \$55.00, and your orator alleges that there are no other liens against the said property.

The premises considered your orator is a-dvised that by reason of the filing as aforesaid the said pa~~per~~, exhibit "A" he has a lien on the said property for the amount of the said work done and material furnished, that he is remediless save in a court of equity, and therefore prays:

That your honor will take ~~charge~~ ^{7m} of his cause, that

M.R. Fall and H.C. Joslyn be made parties defendant to this bill of complaint, that they each be required to answer the same, but not upon oath, that being waived, that your orator be decreed a judgement for the amount of his said lien, and that the said property be sold, and enough of the proceeds applied as will be required to discharge the said lien of your orator, *& the cost of this suit.* And may all further and general relief be granted your orator that the nature of his cause and equity requires. And he will ever pray &c.

Pennington Bros. P.O.

James Shetton Esq.

vs } Bice In Bancery

W. R. Bull et al
vs

CLERK'S RECEIPT.

No. 43

SUITS.

Plaintiff...

Defendant...

Date...

Amount of tax,

Common law...

Chancery...

Received (date)...

Clerk.

James Shelton

M. R. Ball

Oct 3rd 1895 -

\$ 1.50

Chen

Oct 3rd 1895 -

W B Munsey

Virginia:

In the clerk's office of the county Court for the County of Lee, on the 27th day of Aug., 1895:

James A. Shelton, brick-mason, of the county of Lee, files this his claim for the payment of \$19.50, against that certain one and a half story new building, situated and being in the west end of the town of Jonesville, north of C. K. Brown's lot and south of the lands of Henry Martin (Col.), together with the said lot or parcel of ground appurtenant to said building, the said sum of \$19.50, being a debt contracted for work, to-wit: brick-work &c., and material, viz: brick, lime &c., done and furnished by said James A. Shelton, for and about the erection and construction of a brick chimney and a brick flue in and about said new house, of which M. R. Ball was and is the owner, or reputed owner, and at his instance and request, the said James A. Shelton, being the contractor and builder of said brick chimney and brick flue, which said work, brick chimney, brick flue &c., in and about the premises

aforesaid, was completed within 30 days next before the filing of this claim. And the said James A. Shelton claims to have a lien on the said new building and the lot or piece of ground appurtenant to said building from the commencement of the work aforesaid, for the sum aforesaid, according to the statute in such cases made and provided; and the claimant hereto annexes a bill of particulars of the amount of his said debt, showing the nature and kind of work done, the kind and amount of materials furnished, and the time when the said work and materials were done and furnished.

Witness my hand, the day and year first above written.

James A. Shelton

Virginia:

Lee County, to-wit:

J. S. V. ²¹ Richmond, Clerk of the county court for Lee County Virginia, do certify that James A. Shelton, whose name is signed to the writing above, bearing date on the 27th day of Aug. 1895; appeared before me

in my office in the County and
State aforesaid and acknowledged
said writing before me.

Given under my hand this
Aug. 27. 1895;

J. V. Richmond Clerk.

~~James~~

vs.

~~M. R.~~

M. R.

Mechanics Bill Annexed to the foregoing.

Aug. 2, 1895, Furnishing Brick and Lime and
building one brick chimney in
new house for M.R. Ball, for
the agreed sum of - - - \$18.00

Aug. 2, 1895, Furnishing Brick and Lime and
building one brick flue in new
house for M.R. Ball, for the
agreed sum of - - - \$1.50

Total Amt. of claim, \$19.50

Virginia,

Lee County, to wit:

I, S. V. F. Richmond, Clerk of the
County Court for Lee County, Virginia,
do certify that James A. Shelton this day
appeared before me in my office in
the County and State aforesaid and
made oath that the charges made
by him in the foregoing Mechanics
Bill are just, true and unpaid,
and that said work done and
material furnished was in pursu-
ance of a contract previously made
by him with the said M.R. Ball.

Given under my hand this Aug. 27,
1895,

S. V. F. Richmond, Clerk.

Virginia Lee County to wit:

In the office of the clerk of said
County the 27th day of August 1895
this Mechanics Lien was presented
And together with the Certificate thereto
annexed admitted to records

Test: J. W. Richmond Clerk

Recorded in deed
Book No 31 P 591
J. W. Richmond
Clerk

201/25

The Commonwealth of Virginia,

To the Sheriff of the County of Lee--Greeting:

WE COMMAND YOU, That you summon

M. R. Ball & A. B.

Joslyn

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held
for the said Court on the *1st* Monday in *October*, 189*5*, to answer a
bill in Chancery, exhibited against *them* in our said court by

James Shetton

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-
house, the *5th* day of *October*, 189*5*, and in the

120th year of the Commonwealth.

A. B. Munsey Clerk.

James Shelton

SUPRENA

VS.

IN

CHANCERY.

M. R. Ball et al

P. Bros

p. q.

To 1st Oct Rules,

Circuit Court.

Executed Oct 5. 1895
By Delivering an
Office Copy of the
within summons
to M. R. Ball and
H. C. Joslyn This
Oct 7. 1895
Wm. P. Weston S. G. R.

James Shelton

vs. E. L. Chancery

M. A. Bass et al.

Pennington Bros. & Co.

1895 1st Oct rules bill filed

Spa 24 cents D. N.

" 2nd Oct rules D. N.

Cofd + Cause set for
hearing by Plff.

C. 287

Pay 150

S. h. 100

C. C. 125-

662

2000 1950

2612